

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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YAROSLAV KONTSEMAL,
Plaintiff,

v.

MERCEDES-BENZ USA, LLC, a
Delaware Limited Liability
Company; and DOES 1 to 10,
inclusive,

Defendants.

No. 2:24-cv-02426 WBS CKD

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the court hereby vacates the Status (Pretrial Scheduling) Conference scheduled for January 27, 2025, and makes the following findings and orders without needing to consult with the parties any further.

I. SERVICE OF PROCESS

All defendants have been served, and no further service is permitted without leave of court, good cause having been shown

1 under Federal Rule of Civil Procedure 16(b).

2 II. JOINDER OF PARTIES/AMENDMENTS

3 No further joinder of parties or amendments to
4 pleadings will be permitted except with leave of court, good
5 cause having been shown under Federal Rule of Civil Procedure
6 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
7 (9th Cir. 1992).

8 III. JURISDICTION/VENUE

9 Jurisdiction in this breach of warranty action under
10 the Song-Beverly Act is predicated upon 28 U.S.C. § 1332, because
11 the parties are of diverse citizenship and the amount in
12 controversy exceeds \$75,000. Venue is undisputed and hereby
13 found to be proper.

14 IV. DISCOVERY

15 The parties agree to serve the initial disclosures
16 required by Federal Rule of Civil Procedure 26(a)(1) on or before
17 **February 13, 2025**.

18 The parties shall disclose experts and produce reports
19 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
20 later than **October 17, 2025**. With regard to expert testimony
21 intended solely for rebuttal, those experts shall be disclosed
22 and reports produced in accordance with Federal Rule of Civil
23 Procedure 26(a)(2) on or before **November 14, 2025**.

24 All discovery, including depositions for preservation
25 of testimony, is left open, save and except that it shall be so
26 conducted as to be completed by **December 19, 2025**. The word
27 "completed" means that all discovery shall have been conducted so
28 that all depositions have been taken and any disputes relevant to

1 discovery shall have been resolved by appropriate order if
2 necessary and, where discovery has been ordered, the order has
3 been obeyed. All motions to compel discovery must be noticed on
4 the magistrate judge's calendar in accordance with the local
5 rules of this court and so that such motions may be heard (and
6 any resulting orders obeyed) not later than **December 19, 2025**.

7 V. MOTION HEARING SCHEDULE

8 All motions, except motions for continuances, temporary
9 restraining orders, or other emergency applications, shall be
10 filed on or before **January 23, 2026**. All motions shall be
11 noticed for the next available hearing date. Counsel are
12 cautioned to refer to the local rules regarding the requirements
13 for noticing and opposing such motions on the court's regularly
14 scheduled law and motion calendar.

15 VI. FINAL PRETRIAL CONFERENCE

16 The Final Pretrial Conference is set for **April 6, 2026**,
17 at 1:30 p.m. in Courtroom No. 5. The conference shall be
18 attended by at least one of the attorneys who will conduct the
19 trial for each of the parties and by any unrepresented parties.

20 Counsel for all parties are to be fully prepared for
21 trial at the time of the Pretrial Conference, with no matters
22 remaining to be accomplished except production of witnesses for
23 oral testimony. Counsel shall file separate pretrial statements,
24 and are referred to Local Rules 281 and 282 relating to the
25 contents of and time for filing those statements. In addition to
26 those subjects listed in Local Rule 281(b), the parties are to
27 provide the court with: (1) a plain, concise statement which
28 identifies every non-discovery motion which has been made to the

1 court, and its resolution; (2) a list of the remaining claims as
2 against each defendant; and (3) the estimated number of trial
3 days.

4 In providing the plain, concise statements of
5 undisputed facts and disputed factual issues contemplated by
6 Local Rule 281(b)(3)-(4), the parties shall emphasize the claims
7 that remain at issue, and any remaining affirmatively pled
8 defenses thereto. If the case is to be tried to a jury, the
9 parties shall also prepare a succinct statement of the case,
10 which is appropriate for the court to read to the jury.

11 VII. TRIAL SETTING

12 The jury trial is set for **June 9, 2026** at 9:00 a.m.
13 The parties estimate that the trial will last 4 to 5 days.

14 VIII. SETTLEMENT CONFERENCE

15 The parties requested that a Settlement Conference with
16 a magistrate judge be scheduled following the close of discovery.
17 It is this court's typical practice to set a Settlement
18 Conference at the time of the Pretrial Conference. If the
19 parties wish to schedule a Settlement Conference sooner, they
20 should file a stipulation to that effect. If the parties do not
21 request a Settlement Conference prior to the Pretrial Conference,
22 one will be set at the time of the Pretrial Conference.

23 Counsel are instructed to have a principal with full
24 settlement authority present at the Settlement Conference or to
25 be fully authorized to settle the matter on any terms. At least
26 seven calendar days before the Settlement Conference counsel for
27 each party shall submit a confidential Settlement Conference
28 Statement for review by the settlement judge. The Settlement

Conference Statements shall not be filed and will not otherwise be disclosed to the trial judge.

IX. MODIFICATIONS TO SCHEDULING ORDER

Any requests to modify the dates or terms of this Scheduling Order, except requests to change the date of the trial, may be heard and decided by the assigned Magistrate Judge. All requests to change the trial date shall be heard and decided only by the undersigned judge.

IT IS SO ORDERED.

Dated: January 16, 2025



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE